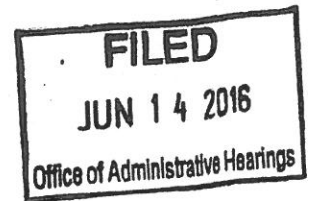


APPENDICES

Appendix A

Brandenburg Agreed Order

COMMONWEALTH OF KENTUCKY
ENERGY AND ENVIRONMENT CABINET
DIVISION OF ENFORCEMENT
CASE NO. DOW-150453



IN RE: Brandenburg WWTP
 Buttermilk Falls Rd
 Brandenburg, KY 40108
 AI No. 3115
 Activity ID No. ERF20150001

AGREED ORDER

WHEREAS, the parties to this Agreed Order, the Energy and Environment Cabinet (hereinafter "Cabinet") and the Brandenburg WWTP (hereinafter "Brandenburg") state:

STATEMENTS OF FACT

1. The Cabinet is charged with the statutory duty of enforcing KRS Chapter 224 and the regulations promulgated pursuant thereto.
2. Brandenburg owns and operates a municipal wastewater treatment plant (WWTP) located on Buttermilk Falls Rd, Brandenburg, KY 40108, Meade County, Kentucky.
3. Brandenburg operates the WWTP under Kentucky Pollutant Discharge Elimination System (KPDES) permit KY0021474 for treated domestic wastewater discharges, issued by the Cabinet's Division of Water (hereinafter "DOW"), for the facility described in paragraph two (2).
4. On or about May 29, 2012, authorized representatives of the Cabinet identified the following violations of KRS Chapter 224 and the regulations promulgated pursuant thereto at the facility described in paragraph two (2) above. On July 12, 2012, the Cabinet issued Brandenburg a Notice of Violation for the following violations:

DOW-150453

- a. 401 KAR 5:056--Outfall 001-2, for Total Suspended Solids (TSS) during the months of May and July 2011, and February, March and April 2012;
- b. 401 KAR 5:056--Outfall 001-2, for Suspended Solids Percent Removal (SS%) during the months of February, March, April and May 2012;
- c. 401 KAR 5:056--Outfall 001-2, for Total Ammonia Nitrogen (TAN) during the month of February 2012;
- d. 401 KAR 5:056--Outfall 001-2, for Biochemical Oxygen Demand (BOD) during the month of May 2011; and
- e. 401 KAR 5:056--Outfall 001-2, for E. coli during the month of June 2011.

5. On or about September 28, 2015, authorized representatives of the Cabinet identified the following violations of KRS Chapter 224 and the regulations promulgated pursuant thereto at the facility described in paragraph two (2) above. On September 28, 2015, the Cabinet issued Brandenburg a Notice of Violation for the following violations:

- a. 401 KAR 5:056 --Outfall 001-2, for pH during the month of January 2013;
- b. 401 KAR 5:056 --Outfall 001-2, for TSS Loading during the months of July 2013; January, February, April, May, June, and October 2014; and April 2015;
- c. 401 KAR 5:056 --Outfall 001-2, for TSS Concentration during the months of January, February, March, April, June, July, November, and December 2013; January, February, March, April, May, June, and July 2014; and February and April 2015;
- d. 401 KAR 5:056 --Outfall 001-2, for SS% during the months of January, February, and March 2013; January, March, May and June 2014; and February 2015;

- e. 401 KAR 5:056 --Outfall 001-2, for TAN during the months of February, March, April, May and June 2013; January, February, March, April, May, June and July 2014; and January, February, and April 2015;
- f. 401 KAR 5:056 --Outfall 001-2, for BOD during the months of April 2013; and April, May, June, July and August 2014; and
- g. 401 KAR 5:056 --Outfall 001-2, for E. coli during the month of June 2015.

6. On or about February 26, 2016, authorized representatives of the Cabinet identified the following violations of KRS Chapter 224 and the regulations promulgated pursuant thereto at the facility described in paragraph two (2) above. On February 26, 2016, the Cabinet issued Brandenburg a Notice of Violation for the following violations:

- a. 401 KAR 5:056 --Outfall 001-2, for E coli during the months of August, October, and December 2015; and
- b. 401 KAR 5:056 --Outfall 001-2, for TSS during the months of November and December 2015.

7. Representatives of Brandenburg attended an administrative conference with the Cabinet's Division of Enforcement (hereinafter "DENF") in Frankfort, Kentucky, on February 11, 2016, and admitted to the violations described in this Agreed Order.

8. **NOW THEREFORE**, in the interest of settling all civil claims and controversies involving the violations described above, the parties hereby consent to the entry of this Agreed Order and agree as follows:

REMEDIAL MEASURES

9. At all times, Brandenburg shall report to the Cabinet all spills, bypass discharges, upset condition discharges or the releases of substances from its facility identified in paragraph 2 above which would result in or contribute to the pollution of the waters of the Commonwealth,

including emergency and accidental releases, in accordance with KRS 224.1-400, 401 KAR 5:015, and 401 KAR 5:065. Brandenburg shall make its initial report of the above discharges or releases to the DOW Louisville Regional Office, 502-429-7122 during normal work hours and the Cabinet's 24-hour notification number, 800-928-2380 or 502-564-2380;

10. At all times, Brandenburg shall provide for proper and regular operation and maintenance to its sewage collection system and WWTP in accordance with 401 KAR 5:065 and its permit conditions;

11. Within thirty (30) days upon execution of this Agreed Order, Brandenburg shall submit to DENF for review and acceptance, a written plan for Corrective Actions (CAP) to bring the facility into compliance with its KPDES permit. The CAP shall include, but not be limited to, an identification of actions Brandenburg shall implement to ensure compliance with permit requirements including: proper operation and maintenance to its WWTP and collection system; a list of all actions necessary to ensure the completion of upgrades to the WWTP and collection systems; a list of completion dates for each action identified; a requirement to maintain and provide copies of inspection logs; and a final compliance date for completion of all remedial measures included in the CAP;

- a. Upon review of the CAP, the Cabinet may, in whole or in part, (1) accept or (2) provide comments to Brandenburg identifying the deficiencies. Upon receipt of Cabinet comments, Brandenburg shall have thirty (30) days to revise and resubmit the CAP for review and acceptance. Upon resubmittal, the Cabinet may, in whole or in part, (1) accept or (2) disapprove and provide comments to Brandenburg identifying the deficiencies. If the resubmitted CAP is disapproved, the Cabinet may deem Brandenburg to be out of compliance with this Agreed Order for

failure to timely submit the CAP and may assess stipulated penalties pursuant to paragraph 17 below to this Agreed Order.

- b. Brandenburg shall implement the corrective actions in accordance with the schedule of implementation contained in the accepted CAP, Amended CAP or any accepted part thereof (provided that the accepted part is not dependent upon implementation of any part not yet accepted) at its facilities.
- c. Brandenburg may request an amendment of the accepted CAP by writing the Director of the Division of Enforcement at 300 Fair Oaks Lane, Frankfort, Kentucky 40601 and stating the reasons for the request. If granted, the Amended CAP shall not affect any provision of this Agreed Order unless expressly provided in the Amended CAP. This does not require an amendment request pursuant to paragraph twenty-four (24). of this Agreed Order.

12. Immediately cease all discharges that are aesthetically or otherwise degrading the waters of the Commonwealth;

13. All submittals from Brandenburg required by the terms of this Agreed Order shall be submitted to:

Division of Enforcement
Attention: Director
~~300 Fair Oaks Lane~~ 300 Sower Blvd. 3rd Floor
Frankfort, KY 40601

14. By the date specified in the CAP, Brandenburg shall be in compliance with KRS 224, and the regulations promulgated pursuant thereto, KPDES Permit No. KY0021474, and this Agreed Order.

PENALTIES

15. Brandenburg shall pay a civil penalty in the amount of three thousand (\$3,000) dollars for the violations described in paragraphs four through six (4-6) above. The penalty shall be tendered by Brandenburg to the Cabinet within thirty (30) days of execution of this Agreed Order.

16. Payment of penalties shall be by cashier's check, certified check, or money order, made payable to "Kentucky State Treasurer" and shall be sent to the attention of: Director, *Sower Blvd. 3rd Floor*
Division of Enforcement, 300 ~~Fair Oaks Lane~~, Frankfort, Kentucky 40601. Please note "Case No. DOW-150453" on the instrument of payment.

STIPULATED PENALTIES

17. Following the execution of this Agreed Order and until its termination, a stipulated penalty for violations may be assessed as follows:

- A. For each parameter exceedance in excess of 200% of the permitted limit, a stipulated penalty in the amount of one thousand (\$1,000) dollars per exceedance may be assessed.
- B. For each parameter exceedance between 0-199% of the permitted limit, a stipulated penalty in the amount of five hundred (\$500) dollars per exceedance may be assessed;
- C. For each failure to timely complete each action identified in the accepted Corrective Action Plan as specified in paragraph eleven (11), a stipulated penalty in the amount of one thousand (\$1,000) dollars per instance may be assessed.

18. Stipulated penalties are in addition to and not in lieu of any other penalty which could be assessed by the Cabinet. The Cabinet may, in its discretion, waive stipulated penalties

that would otherwise be due. The stipulated penalty shall be due and owing within thirty (30) days after Brandenburg's receipt of written notification by the Cabinet to Brandenburg at the permitted address.

19. If Brandenburg believes the request for payment of a stipulated penalty is erroneous or contrary to law, Brandenburg may request a hearing in accordance with KRS 224.10-420(2). A request for hearing does not excuse timely payment of the penalty. If an order is entered pursuant to KRS 224.10-440 that excuses payment, the Cabinet will refund the payment. Failure to make timely payment shall constitute an additional violation.

20. Payment of the stipulated penalty shall be by cashier's check, certified check, or money order, made payable to "Kentucky State Treasurer" and shall be sent to the attention of: Director, Division of Enforcement, 300 Fair Oaks Lane, Frankfort, Kentucky 40601. Please note "Case No. DOW-150453" on all instruments of payment.

MISCELLANEOUS PROVISIONS

21. This Agreed Order addresses only the violations specifically alleged above. Other than those matters resolved by entry of this Agreed Order, nothing contained herein shall be construed to waive or to limit any remedy or cause of action by the Cabinet based on statutes or regulations under its jurisdiction and Brandenburg reserves its defenses thereto. The Cabinet expressly reserves its right at any time to issue administrative orders and to take any other action it deems necessary that is not inconsistent with this Agreed Order, including the right to order all necessary remedial measures, assess penalties for violations, or recover all response costs incurred, and Brandenburg reserves its defenses thereto.

22. This Agreed Order shall not prevent the Cabinet from issuing, reissuing, renewing, modifying, revoking, suspending, denying, terminating, or reopening any permit to

Brandenburg. Brandenburg reserves its defenses thereto, except that Brandenburg shall not use this Agreed Order as a defense.

23. Brandenburg waives its right to any hearing on the matters admitted herein. However, failure by Brandenburg to comply strictly with any or all of the terms of this Agreed Order shall be grounds for the Cabinet to seek enforcement of this Agreed Order in Franklin Circuit Court and to pursue any other appropriate administrative or judicial action under KRS Chapter 224 and the regulations promulgated pursuant thereto.

24. The Agreed Order may not be amended except by a written order of the Cabinet's Secretary or his designee. Brandenburg may request an amendment by writing the Director of the Division of Enforcement at 300 Fair Oaks Lane, Frankfort, Kentucky 40601, and stating the reasons for the request. If granted, the amended Agreed Order shall not affect any provision of this Agreed Order unless expressly provided in the amended Agreed Order.

25. The Cabinet does not, by its consent to the entry of this Agreed Order, warrant or aver in any manner that Brandenburg's complete compliance with this Agreed Order will result in compliance with the provisions of KRS Chapter 224 and the regulations promulgated pursuant thereto. Notwithstanding the Cabinet's review and approval of any plans formulated pursuant to this Agreed Order, Brandenburg shall remain solely responsible for compliance with the terms of KRS Chapter 224 and the regulations promulgated thereto, this Agreed Order, and any permit and compliance schedule requirements.

26. Brandenburg shall give notice of this Agreed Order to any purchaser, lessee or successor in interest prior to the transfer of ownership and/or operation of any part of the facility occurring prior to termination of this Agreed Order, shall notify the Cabinet that such notice has been given, and shall follow all statutory requirements for a transfer. Whether or not a transfer

takes place, Brandenburg shall remain fully responsible for payment of all civil penalties and for performance of all remedial measures identified in this Agreed Order.

27. The Cabinet agrees to allow the performance of the above listed remedial measures and payment of civil penalties by Brandenburg to satisfy Brandenburg's obligations to the Cabinet generated by the violations above.

28. The Cabinet and Brandenburg agree that the remedial measures agreed to herein are facility-specific and designed to comply with the statutes and regulations cited herein. This Agreed Order applies specifically and exclusively to the unique facility referenced herein and is inapplicable to any other site or facility.

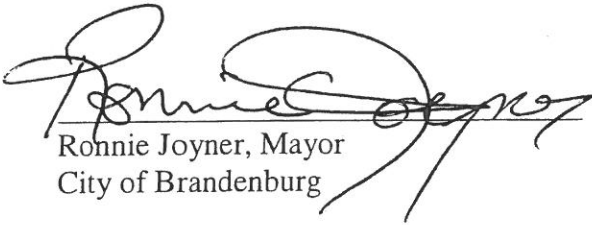
29. Compliance with this Agreed Order is not conditioned upon the receipt of any federal, state, or local funds.

30. This Agreed Order shall be of no force and effect unless and until it is entered by the Secretary or his designee as evidenced by his signature thereon. If this Agreed Order contains any date by which Brandenburg is to take any action or cease any activity, and the Secretary enters the Agreed Order after that date, then Brandenburg is nonetheless obligated to have taken the action or ceased the activity by the date contained in this Agreed Order.

TERMINATION

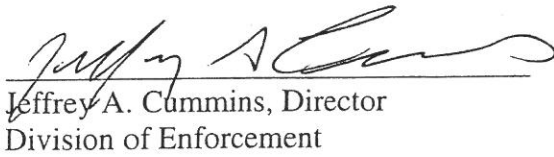
31. This Agreed Order shall terminate upon Brandenburg's completion of all requirements described in this Agreed Order. Brandenburg may submit written notice to the Cabinet when it believes all requirements have been performed. The Cabinet will notify Brandenburg in writing of whether it intends to agree with or object to termination. The Cabinet reserves its right to enforce the Agreed Order, and Brandenburg reserves its right to file a petition for hearing pursuant to KRS 224.10-420(2) contesting the Cabinet's determination.

AGREED TO BY:

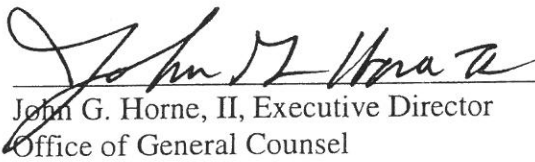

Ronnie Joyner, Mayor
City of Brandenburg

4-19-16
Date

APPROVAL RECOMMENDED BY:


Jeffrey A. Cummins, Director
Division of Enforcement

5/17/16
Date


John G. Horne, II, Executive Director
Office of General Counsel

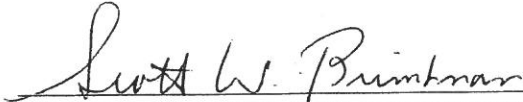
6/7/2016
Date

DOW-150453

ORDER

Wherefore, the foregoing Agreed Order is entered as the final Order of the Energy and Environment Cabinet this 14th day of June, 2016.

ENERGY AND ENVIRONMENTAL CABINET


SCOTT W. BRINKMAN, SECRETARY of the
GOVERNOR'S EXECUTIVE CABINET

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing **AGREED ORDER** was mailed, postage prepaid, to the following this 14th day of June, 2016.

City of Brandenburg
Attn: Hon. Ronnie Joyner
737 High Street
P.O. Box 305
Brandenburg, KY 40108

and mailed, messenger to:

Jeffrey A Cummins, Director
Division of Enforcement
~~300 Fair Oaks Lane~~ Sower Blvd 3rd Floor
Frankfort, Kentucky 40601

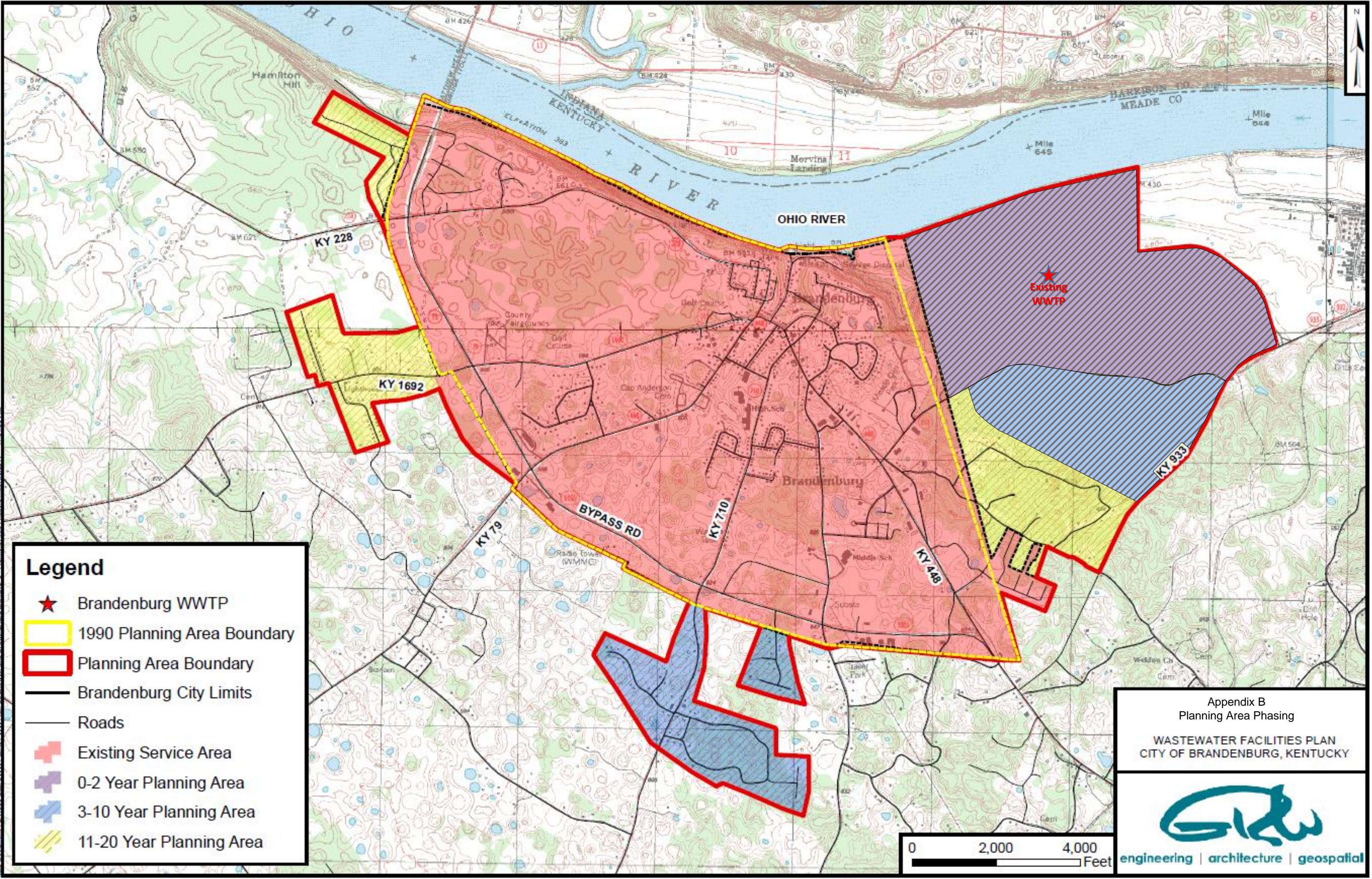
John G. Horne, II, General Counsel
Energy and Environment Cabinet
~~500 Capital Plaza Office Tower~~
~~12th Floor~~ 300 Sower Blvd 3rd Floor
Frankfort, KY 40601

Kathy McDonnell
DOCKET COORDINATOR

FBT
SH

Appendix B

Planning Area Boundary & Phases



Legend

- ★ Brandenburg WWTP
- 1990 Planning Area Boundary
- Planning Area Boundary
- Brandenburg City Limits
- Roads
- Existing Service Area
- 0-2 Year Planning Area
- 3-10 Year Planning Area
- 11-20 Year Planning Area

Appendix B
Planning Area Phasing

WASTEWATER FACILITIES PLAN
CITY OF BRANDENBURG, KENTUCKY



engineering | architecture | geospatial

Appendix C

Brandenburg WWTP

KPDES Permit

KPDES



KENTUCKY POLLUTANT
DISCHARGE ELIMINATION
SYSTEM

PERMIT

PERMIT NO.: KY0021474

AI NO.: 3115

**AUTHORIZATION TO DISCHARGE UNDER THE
KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM**

Pursuant to Authority in KRS 224,

City of Brandenburg
737 High Street
Brandenburg, Kentucky, 40108

is authorized to discharge from a facility located at

Brandenburg Wastewater Treatment Plant
Buttermilk Falls Road
Brandenburg, Meade County, Kentucky

to receiving waters named

Ohio River (38°00'35"N & 86°08'55"W)

in accordance with effluent limitations, monitoring requirements and other conditions set forth in this permit.

This permit became effective on February 1, 2016.

This permit modification shall become effective on December 1, 2019.

This permit and the authorization to discharge shall expire at midnight, January 31, 2021.

October 29, 2019

Date Signed

A handwritten signature in black ink, appearing to read "Peter T. Goodman", written over a horizontal line.

**Peter T. Goodman, Director
Division of Water**

**DEPARTMENT FOR ENVIRONMENTAL PROTECTION
Division of Water, 200 Fair Oaks Lane, Frankfort, Kentucky 40601**

Printed on Recycled Paper

THIS KPDES PERMIT CONSISTS OF THE FOLLOWING SECTIONS.

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SECTION 1
EFFLUENT LIMITATIONS AND MONITORING
REQUIREMENTS

1. EFFLUENT AND MONITORING REQUIREMENTS

1.1. Compliance Monitoring Locations (Outfalls)

The following table lists the outfalls authorized by this permit, the latitude and longitude of each and the DOW assigned KPDES outfall number.

TABLE 1.					
No.	Treatment Provided	Latitude (N)	Longitude (W)	Receiving Waters	Description of Outfall
001	Screening (1-T), Grit Removal (1-M), Grinding (1-L), Sedimentation (1-U), Rotating Biological Contactors (3-I), 2-Cell Lagoon (3-Q), Peracetic Acid Disinfection, Discharge to Surface Water (4-A)	38°00'35"	86°08'55"	Ohio River	Domestic-Sanitary Wastewater (DSW)

1.2. Effluent Limitations and Monitoring Requirements

Beginning on the effective date and lasting through the term of this permit discharges from Outfall 001 shall comply with the effluent limitations

TABLE 2.										
EFFLUENT LIMITATIONS									MONITORING REQUIREMENTS	
Effluent Characteristic	STORET Code	Units	Loadings (lbs/day)		Concentrations				Frequency	Sample Type
			Monthly Average	Maximum Weekly Average	Minimum	Monthly Average	Maximum Weekly Average	Maximum		
Flow, Effluent (0.312 MGD design capacity)	50050	MGD	Report	Report	N/A	N/A	N/A	N/A	Continuous	Recorder
Flow, Influent	50050	MGD	Report	Report	N/A	N/A	N/A	N/A	Continuous	Recorder
BOD ₅ ¹ , Effluent	00310	mg/l	78.0	117.0	N/A	30.0	45.0	N/A	1/Week	24 Hr Composite ²
BOD ₅ ¹ , Influent	00310	mg/l	N/A	N/A	N/A	Report	Report	N/A	1/Week	24 Hr Composite ²
BOD ₅ ¹ , Percent Removal	81010	%	N/A	N/A	N/A	85	N/A	N/A	1/Month	Calculated ³
TSS, Effluent	00530	mg/l	78.00	117.0	N/A	30	45	N/A	1/Week	24 Hr Composite ²
TSS, Influent	00530	mg/l	N/A	N/A	N/A	Report	Report	N/A	1/Week	24 Hr Composite ²
TSS (Percent Removal)	81011	%	N/A	N/A	N/A	85	N/A	N/A	1/Month	Calculated ³
Ammonia (as mg/l NH ₃ N)	00610	mg/l	52.0	78.0	N/A	20.0	30.0 ⁴	N/A	1/Week	24 Hr Composite ²
E. Coli ⁵	51040	#/100 ml	N/A	N/A	N/A	130 ⁶	240 ⁷	N/A	1/Week	Grab
Dissolved Oxygen	00300	mg/l	N/A	N/A	2.00	N/A	N/A	N/A	1/Week	Grab
pH	00400	SU	N/A	N/A	6.0	N/A	N/A	9.0	1/Week	Grab

TABLE 2.

EFFLUENT LIMITATIONS									MONITORING REQUIREMENTS	
Effluent Characteristic	STORET Code	Units	Loadings (lbs/day)		Concentrations				Frequency	Sample Type
			Monthly Average	Maximum Weekly Average	Minimum	Monthly Average	Maximum Weekly Average	Maximum		
Total Residual Chlorine ⁹	50060	mg/l	N/A	N/A	N/A	0.011	0.019 ⁴	N/A	1/Week	Grab
Total Phosphorus	00665	mg/l	N/A	N/A	N/A	Report	Report ⁴	N/A	1/Week	24 Hr Composite ²
Total Nitrogen ⁸	00600	mg/l	N/A	N/A	N/A	Report	Report ⁴	N/A	1/Week	24 Hr Composite ²
The Design Flow of the POTW is 0.312 MGD. The Average Annual Flow of the POTW is 0.08 MGD										
¹ BOD ₅ – Biochemical Oxygen Demand, 5-day										
² A 24-hour composite is a sample collected using an automated sampler set to collect equal volume aliquots of 120 to 140 mils each ever 15 minutes over a 24 hour period. The sample must be maintained at 6 °C at all times										
³ Percent Removal is calculated using the following equation: $\text{Percent Removal} = \left[\frac{(\text{Monthly Average Influent} - \text{Monthly Average Effluent})}{\text{Monthly Average Influent}} \right] \times 100$										
⁴ Daily Maximum										
⁵ E. Coli – Escherichia Coli Bacteria										
⁶ Thirty (30) day Geometric Mean										
⁷ Seven (7) day Geometric Mean										
⁸ Total Nitrogen is the summation of the analytical results for Total Nitrates, Total Nitrites, and Total Kjeldahl Nitrogen										
⁹ Sampling for Total Residual Chlorine is required only when chlorine disinfection is used during the monitoring period. If chlorine disinfection is not used during the monitoring period, report NODI Code 9: “Conditional Monitoring – Not Required for this period” on the DMR.										

1.3. Standard Effluent Requirements

The discharges to waters of the Commonwealth shall not produce floating solids, visible foam or a visible sheen on the surface of the receiving waters.

1.4. Application Monitoring

POTWs are required to complete application Forms 1 and A which requires a minimum of 3 samples to be collected and analyzed. To ensure that sufficient samples are collected and analyzed DOW shall impose at a minimum annual sampling during years 2 through 4 of the permit term for those parameters required to be analyzed and reported on the application. The results of the application monitoring shall be submitted on an annual DMR and summarized on the renewal application. The permittee shall report the No Discharge (NODI) 9 – Conditional Monitoring Not Required This Period for years 1 and 5 of the permit.

TABLE 3.

Effluent Characteristic	STORET Code	Units	Concentrations		Frequency	Sample Type
			Average	Maximum		
Temperature (May 1- October 31)	00011	°F	Report	Report	3/5 years	Grab
Temperature (November 1- April 30)	00011	°F	Report	Report	3/5 years	Grab
Total Kjeldahl Nitrogen (TKN)	51449	mg/l	Report	Report	3/5 years	Grab
Nitrate Plus Nitrite Nitrogen	51450	mg/l	Report	Report	3/5 years	Grab
Oil & Grease	00552	mg/l	Report	Report	3/5 years	Grab
Phosphorus (Total)	00665	mg/l	Report	Report	3/5 years	Grab
Total Dissolved Solids (TDS)	70296	mg/l	Report	Report	3/5 years	Grab

SECTION 2

COLLECTION SYSTEM REQUIREMENTS

2. Collection System Requirements

2.1. Prohibitions

The following prohibitions apply to the collection system and its users:

- 1) There shall be no sanitary sewer overflows (SSOs);
- 2) No user shall introduce any pollutant or pollutants that will cause pass through or interference with the operation of the POTW and the collection system; or
- 3) No user shall introduce any of the following pollutants:
 - a. Pollutants which create a fire or explosion hazard, including but not limited to, wastestreams with a closed cup flashpoint of less than 140 °F (60 °C);
 - b. Pollutants which will cause corrosive structural damage or have a pH less than 5.0 standard units unless the POTW is designed to accommodate such pH levels;
 - c. Solid or viscous pollutants in amounts that would obstruct the flow to the POTW thus resulting in interference;
 - d. Any pollutant released in a discharge at such a volume or strength as to cause interference in the POTW;
 - e. Heat in such quantities that the temperature at the POTW treatment plant exceeds 104 °F (40 °C) unless the POTW requests and the Approval Authority grants alternate temperature limits;
 - f. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through;
 - g. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems; and,
 - h. Any trucked or hauled waste except, at discharge points designated by the POTW

All POTW's, in cases where pollutants contributed by user(s) of the collection system are likely to result in reoccurring interference or pass-through, shall develop and enforce specific effluent limits for industrial user(s), and all other users, as appropriate, which, together with appropriate changes in the POTW treatment plant's facilities or operation, are necessary to ensure renewed and continued compliance with the POTW's KPDES permit or sludge use or disposal practices. POTW's with approved Pretreatment Programs meet this requirement.

2.2. Capacity, Management, Operation and Maintenance (CMOM) Program

2.2.1. Applicability

These conditions apply to all permittees with sewage infrastructure including the sewer system and wastewater treatment plant.

2.2.2. Goals

The goals of a comprehensive CMOM Program are:

- 1) To better manage, operate, and maintain the collection system;
- 2) Investigate capacity constrained areas of the collection system;
- 3) Proactively prevent or minimize SSOs;
- 4) Respond to SSO events; and
- 5) Proactively prevent or minimize the potential for the release of pollutants from ancillary activities through plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from storage areas.

To achieve these goals permittee shall complete a CMOM self-assessment using the checklist in the "Guide for Evaluating Capacity, Management, Operation, and Maintenance (CMOM) Programs at Sanitary Sewer Collection Systems," EPA 305-B-05-002 to determine the scope of the CMOM program.

The guide is available at: http://www.epa.gov/npdes/pubs/cmom_guide_for_collection_systems.pdf.

Upon completion of the checklist the permittee shall develop a proposed plan of action to achieve the goals of the CMOM program.

2.2.3. CMOM Plan

At a minimum the plan of action shall include the following:

- 1) Self-Assessment Summary (including recommended improvements and schedules);
- 2) Collection System Diagram;
- 3) Sewer Overflow Response Protocol (SORP);
- 4) Best Management Practices (BMPs); and
- 5) Any other constituent programs necessary to achieve the goals of the CMOM program (See <http://www.epa.gov/region04/water/wpeb/momproject/documents/r4prgguide.pdf> for additional guidance)

2.2.4. Collection System Diagram

The collection system diagram shall include the following:

- 1) Scale;
- 2) North arrow;
- 3) Date the map was drafted and most recent revision;
- 4) Street names;
- 5) Surface waters;
- 6) Service area boundaries;
- 7) Manholes and other access points (including structure IDs);
- 8) Sewer lines;
- 9) Pump stations (including structure IDs);
- 10) Wastewater treatment plants;
- 11) Permitted discharge points or outfalls (including CSO outfalls);
- 12) CSO regulators, for combined sewer systems; and
- 13) Locations of recurring SSOs that occurred within the last five (5) years prior to the effective date of this permit.

2.2.5. Sewer Overflow Response Protocol (SORP)

At a minimum the SORP shall include the following elements:

- 1) An overflow response procedure including designated responders for the permittee, response times, and cleanup methods;
- 2) A public advisory procedure;
- 3) A regulatory agency notification procedure.;
- 4) A manhole and pump station inspection schedule;
- 5) A procedure for addressing discharges to buildings caused by blockage, flow condition, or other malfunction in sewer infrastructure owned or operationally-controlled by the permittee; and
- 6) A requirement to include the structure ID for reported incidents.

2.2.6. Best Management Practices (BMPs)

BMPs are schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 of this permit. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

2.2.7. Implementation

Implementation shall be as soon as possible, but no later than one year from the effective date of the permit or as specified in the schedule of compliance for this permit.

2.2.8. Documentation

The permittee shall maintain all applicable CMOM program documents at the facility and make them available upon request to EEC personnel. Initial copies and modification thereof shall be sent to DOW upon request.

2.2.9. Modification

The permittee shall amend CMOM Programs documentation whenever there is a change in the facility or change in operation of the facility which materially affects the requirements specified in applicable documents.

2.2.10. Modification for Ineffectiveness

If any of the CMOM programs prove to be ineffective in achieving the general objective of preventing and eliminating SSOs and other unauthorized discharges, the permit, and/or specific CMOM programs shall be subject to modification to address deficiencies. If at any time following the issuance of this permit any of the CMOM programs are found to be inadequate pursuant to a state or federal site inspection or review, affected CMOM program documents shall be modified to incorporate such changes necessary to resolve concerns.

SECTION 3

STANDARD CONDITIONS

3. STANDARD CONDITIONS

3.1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of KRS Chapter 224 and is grounds for enforcement action; for permit termination, revocation and reissuance, modification, or denial of a permit renewal application. Any person who violates applicable statutes, who fails to perform any duty imposed, or who violates any determination, permit, administrative regulation, or order of the cabinet promulgated pursuant thereto shall be liable for a civil penalty as provided at KRS 224.99.010.

3.2. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for a new permit.

3.3. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action, that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

3.4. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

3.5. Proper Operation and Maintenance

The permittee shall at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

3.6. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, termination, notification of planned changes or anticipated noncompliance does not stay any permit condition.

3.7. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege.

3.8. Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this permit.

3.9. Inspection and Entry

The permittee shall allow the Director or an authorized representative (including an authorized contractor acting as a representative of the Director), upon presentation of credentials and other documents as may be required by law, to:

(1) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

- (2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (4) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by KRS 224, any substances or parameters at any location.

3.10. Monitoring and Records

- (1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- (2) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities which shall be retained for a period of at least five (5) years (or longer as required by 401 KAR 5:065, Section 2(10)), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.
- (3) Records of monitoring information shall include:
 - (i) The date, exact place, and time of sampling or measurements;
 - (ii) The individual(s) who performed the sampling or measurements;
 - (iii) The date(s) analyses were performed;
 - (iv) The individual(s) who performed the analyses;
 - (v) The analytical techniques or methods used; and
 - (vi) The results of such analyses.
- (4) Monitoring must be conducted according to test procedures approved under 401 KAR 5:065, Section 2(8) unless another method is required under 401 KAR 5:065, Section 2(9) or (10).
- (5) KRS 224.99-010 provides that any person who knowingly violates KRS 224.70-110 or other enumerated statutes, or who knowingly renders inaccurate any monitoring device or method required to be maintained under this permit, shall be guilty of a Class D felony and, upon conviction, shall be punished by a fine of not more than \$25,000, or by imprisonment for not more than one (1) year, or both. Each day upon which a violation occurs shall constitute a separate violation.

3.11. Signatory Requirement

- (1) All applications, reports, or information submitted to the Director shall be signed and certified pursuant to 401 KAR 5:060, Section 4.
- (2) KRS 224.99-010 provides that any person who knowingly provides false information in any document filed or required to be maintained under KRS Chapter 224 shall be guilty of a Class D felony and upon conviction thereof, shall be punished by a fine not to exceed twenty-five thousand dollars (\$25,000), or by imprisonment, or by fine and imprisonment, for each separate violation. Each day upon which a violation occurs shall constitute a separate violation.

3.12. Reporting Requirements

3.12.1. Planned Changes

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- (i) The alteration or addition to a permitted facility, may meet one of the criteria for determining whether a facility is a new source in KRS 224.16-050; or

- (ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under KRS 224.16-050; or
- (iii) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

3.12.2. Anticipated Noncompliance

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

3.12.3. Transfers

This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under KRS 224; see 401 KAR 5:070, Section 5; in some cases, modification or revocation and reissuance is mandatory.

3.12.4. Monitoring Reports

Monitoring results shall be reported at the intervals specified elsewhere in this permit.

- (i) Monitoring results must be reported on a DMR or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices.
- (ii) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 401 KAR 5:065, Section 2(8), or another method required for an industry-specific waste stream under 401 KAR 5:065, Section 2(9) or (10), the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director.
- (iii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

3.12.5. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit, shall be submitted no later than fourteen (14) days following each schedule date.

3.12.6. Twenty-four Hour Reporting

- (i) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within twenty-four (24) hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
- (ii) The following shall be included as information which must be reported within twenty-four (24) hours under this paragraph:
 - (A) Any unanticipated bypass which exceeds any effluent limitation in the permit.
 - (B) Any upset which exceeds any effluent limitation in the permit.
 - (C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within twenty-four (24) hours.
- (iii) The Director may waive the written report on a case-by-case basis for reports under paragraph ii of this section if the oral report has been received within twenty-four (24) hours.

3.12.7. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Sections 3.12.1, 3.12.4, 3.12.5 and 3.12.6, at the time monitoring reports are submitted. The reports shall contain the information listed in Section 3.12.6.

3.12.8. Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the Director, it shall promptly submit such facts or information.

3.13. Bypass

3.13.1. Definitions

- (i) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
- (ii) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

3.13.2. Bypass Not Exceeding Limitations

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Section 3.13.1.

3.13.3. Notice

- (i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, and if possible at least ten days before the date of the bypass.
- (ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Section 3.12.6.

3.13.4. Prohibition of Bypass

- (i) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:
 - (A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (C) The permittee submitted notices as required under Section 3.13.3.
- (ii) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the conditions listed above in Section 3.13.3.

3.14. Upset

3.14.1. Definition

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

3.14.2. Effect of an Upset

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations, if the requirements of Section 3.14.3 are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

3.14.3. Conditions Necessary for a Demonstration of Upset

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (i) An upset occurred and that the permittee can identify the cause(s) of the upset;
- (ii) The permitted facility was at the time being properly operated;
- (iii) The permittee submitted notice of the upset as required in Section 3.12.6; and
- (iv) The permittee complied with any remedial measures required under Section 3.4.

3.14.4. Burden of Proof

In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

SECTION 4

OTHER CONDITIONS

4. OTHER CONDITIONS

4.1. Schedule of Compliance

The permittee shall attain compliance with all requirements of this permit on the effective date of this permit unless otherwise stated below:

4.2. Other Permits

This permit has been issued under the provisions of KRS Chapter 224 and regulations promulgated pursuant thereto. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits or licenses required by this Cabinet and other state, federal, and local agencies.

4.3. Continuation of Expiring Permit

This permit shall be continued in effect and enforceable after the expiration date of the permit provided the permittee submits a timely and complete application in accordance with 401 KAR 5:060, Section 2(4).

4.4. Antidegradation

For those discharges subject to the provisions of 401 KAR 10:030 Section 1(3)(b)5, the permittee shall install, operate, and maintain wastewater treatment facilities consistent with those identified in the approved regional facility plan.

4.5. Reopener Clause

This permit shall be modified, or alternatively revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved in accordance with 401 KAR 5:050 through 5:080, if the effluent standard or limitation so issued or approved:

- 1) Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
- 2) Controls any pollutant not limited in the permit.

The permit as modified or reissued under this paragraph shall also contain any other requirements of KRS Chapter 224 when applicable.

4.6. Sludge Disposal

The disposal or final use of sewage sludge generated during the treatment of domestic sewage by a POTW shall be disposed of in accordance with state and federal requirements [401 KAR Chapter 45 and 40 CFR 503].

4.7. Certified Operators

The wastewater treatment plant shall be under the primary responsibility of Class II Wastewater Treatment Plant Certified Operators or higher.

The collection system shall be under the primary responsibility of Class II Collection System Certified Operators or higher.

4.8. Outfall Signage

The permittee shall comply with the permanent marker requirements of ORSANCO's Pollution Control Standards.

SECTION 5

MONITORING AND REPORTING REQUIREMENTS

5. MONITORING AND REPORTING REQUIREMENTS

5.1. KPDES Outfalls

Discharge samples and measurements shall be collected at the compliance point for each KPDES Outfall identified in this permit. Each sample shall be representative of the volume and nature of the monitored discharge.

5.2. Monthly Operating Reports (MORs)

In addition to the monitoring of effluent as specified by the permit, the permittee shall conduct process control monitoring on a daily basis. Process control monitoring is that monitoring performed by the operators of the wastewater treatment plant to determine if the wastewater system is operating at its optimum efficiency. This monitoring includes but is not limited to influent and effluent quality and quantity monitoring, chemical usage, sludge monitoring including volume produced, wasted, and disposed, and monitoring of internal units such as aeration basins and oxidation ditches.

The data shall be recorded using the Microsoft EXCEL-based Monthly Operating Report (MOR) workbook available of the Department for Environmental Protection's Forms webpage at:

<https://eec.ky.gov/Environmental-Protection/resources/Pages/Forms-Library.aspx>

The updated workbook shall be maintained on-site and made available upon request by Cabinet personnel.

5.3. Sufficiently Sensitive Analytical Methods

Analytical methods utilized to demonstrate compliance with the effluent limitations established in this permit shall be sufficiently sensitive to detect pollutant levels at or below the required effluent limit. It is the responsibility of the permittee to demonstrate compliance with permit parameter limitations by utilization of sufficiently sensitive analytical methods.

5.4. Certified Laboratory Requirements

All laboratory analyses and tests required to demonstrate compliance with the conditions of this permit shall be performed by EEC certified general wastewater laboratories.

5.5. Submission of DMRs

Monitoring results obtained during each monitoring period must be reported. The completed DMR for each monitoring period must be submitted no later than the 28th day of the month following the monitoring period for which monitoring results were obtained.

The completed DMR for each monitoring period must be entered into the DOW approved electronic system no later than midnight on the 28th day of the month following the monitoring period for which monitoring results were obtained.

For more information regarding electronic submittal of DMRs, please visit the Division's website at: <https://eec.ky.gov/Environmental-Protection/Water/SubmitReport/Pages/NetDMR.aspx> or contact the DMR Coordinator at (502) 564-3410.

Appendix D

KDOW Waste Loan Allocation Request Response Letter

Attachment C
(Preliminary Limits Letter)



ANDY BESHEAR
GOVERNOR

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

300 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601
TELEPHONE: 502-564-2150
TELEFAX: 502-564-4245

REBECCA W. GOODMAN
SECRETARY

ANTHONY R. HATTON
COMMISSIONER

January 23, 2020

Jason Halligan, Attorney at Law
Frost Brown Todd, Attorneys
Lexington Financial Center
250 West Main St., Suite 2800
Lexington, KY 40507

Re: Brandenburg WWTP
Preliminary Permit Limits Request
KPDES Permit No: KY0021474
AI: 3115
Meade County, Kentucky

Dear Mr. Halligan:

This letter is in response to your recent correspondence with the Division of Water (received 1/17/20), requesting preliminary limits for construction of a new wastewater treatment plant, located on the Ohio River (38.009722°, -86.148604°) at r.m.i. 643.2. The proposed new treatment plant will have an increased design capacity of 0.5 MGD, and exist on the same parcel of land as the current plant. It will also discharge at the same point as the current plant.

For the new Brandenburg WWTP, operating at 0.5 MGD, the following limits are applicable:

Pollutant	Summer Limits (mg/l)	Winter Limits (mg/l)
BOD ₅ (Effluent)	30	30
BOD ₅ (Influent)	Monitoring	Monitoring
Total Suspended Solids (Effluent)	30	30
Total Suspended Solids (Influent)	Monitoring	Monitoring
Ammonia, as N	20	20
Dissolved Oxygen	2.0	2.0
Total Phosphorus	Monitoring	Monitoring
Total Nitrogen	Monitoring	Monitoring
pH (min/max)	6.0	9.0
Total Residual Chlorine (if used)	0.011	0.011
Reliability Rating	C	

In addition to the above limits, the monthly average and maximum weekly average values of *Escherichia coli* shall be at or below 130 colonies per 100 milliliters or 240 colonies per 100 milliliters, respectively, the year around. If a form of chlorine is proposed to disinfect the wastewater, then de-chlorination will likely be needed to achieve the chlorine residual effluent concentration. Additional effluent limitations and water quality standards are contained in 401 KAR Chapter 5 and 401 KAR Chapter 10.

An Equal Opportunity Employer M/F/D

These preliminary design effluent limitations are valid for one (1) year from the date of this letter, and are subject to change as a result of additional information which may be presented during the public notice phase of the Kentucky Pollutant Discharge Elimination System (KPDES) permitting process. As such, this letter does not convey any authorization or approval to proceed with the construction or operation of the proposed WWTP. Construction and KPDES permit applications must be submitted to request such authorization or approval. Nor does this letter ensure issuance of either permit. During the review processes of these permits the Division of Water will further evaluate the viability of the project.

Should you have any questions regarding this letter, please contact me at (502) 782-6946 or E-mail at matthew.fields@ky.gov.

1/23/2020

X *Matthew Fields*

Matthew Fields
WLA Coordinator, DOW
Signed by: Matthew Fields

Appendix E

December 2020 Rates and Charges

ORDINANCE NUMBER 573

Rates Effective December 1, 2020

MINIMUM MONTHLY SEWER RATES FOR SERVICE FURNISHED INSIDE CITY LIMITS

The monthly charges for sewer rates shall be based on the customer's water usage. Charges for sewer service shall begin to accrue to each customer immediately upon the commencement of sewer service to that customer.

Installation Charge:

The tap fee for new sewer service shall be \$750.00 plus materials, labor, and any other costs associated with getting a sewer tap to or already on the property requesting service. This fee shall be on a per water meter basis (excluding irrigation and fire protection meters) regardless of the actual number of connections. The requesting property owner shall be responsible for any easements required in getting sanitary sewer to the property.

MINIMUM MONTHLY SEWER RATES FOR CUSTOMER'S PREMISES INSIDE CITY LIMITS

First 2,000 Gals. / Mo. or less	<u>\$24.54</u> (minimum bill)
Next 3,000 Gals. / Mo. per 1,000	<u>9.00</u>
Next 5,000 Gals. / Mo. per 1,000	<u>8.66</u>
Next 20,000 Gals. / Mo. per 1,000	<u>8.21</u>
Next 15,000 Gals. / Mo. per 1,000	<u>7.53</u>
Over 45,000 Gals. / Mo. per 1,000	<u>7.07</u>

MINIMUM MONTHLY SEWER RATES FOR CUSTOMER'S PREMISES OUTSIDE CITY LIMITS

First 2,000 Gals. / Mo. or less	<u>\$26.12</u> (minimum bill)
Next 3,000 Gals. / Mo. per 1,000	<u>9.48</u>
Next 5,000 Gals. / Mo. per 1,000	<u>9.00</u>
Next 20,000 Gals. / Mo. per 1,000	<u>8.54</u>
Next 15,000 Gals. / Mo. per 1,000	<u>7.91</u>
Over 45,000 Gals. / Mo. per 1,000	<u>7.32</u>

Appendix F

Crosscutter Correspondence

City of Brandenburg

737 HIGH STREET POST OFFICE BOX 305 BRANDENBURG, KENTUCKY 40108 PHONE 270-422-4981 FAX 270-422-4983

MAYOR
Ronnie Joyner

CITY COUNCIL
Bruce Fackler
Bill Basham
Bryan Claycomb
Charlotte Ford
Maggie Love
Bradley Johnston

CLERK/TREASURER
Amy Haynes

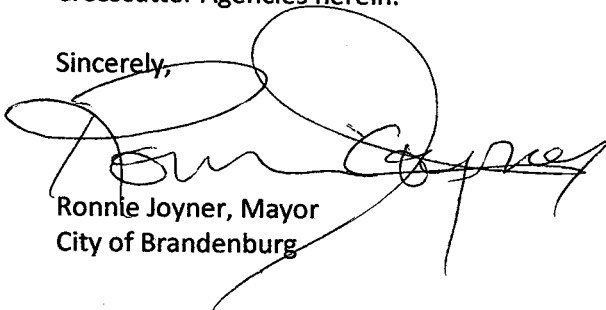
PUBLIC WORKS
DIRECTOR
Timothy J. Hughes, Jr.

POLICE CHIEF
Brian Haag

December 8, 2020

We, the City of Brandenburg, will follow all mitigation requirements as set forth by the Crosscutter Agencies herein.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Ronnie Joyner', is written over the typed name and title.

Ronnie Joyner, Mayor
City of Brandenburg



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, LOUISVILLE DISTRICT
600 DR. MARTIN LUTHER KING JR PL
LOUISVILLE, KY 40202

October 30, 2020

Regulatory Division
South Branch
LRL-2017-928-sea

Mr. Robert Bates
GRW, Incorporated
9710 Bunsen Parkway
Louisville, Kentucky 40299

Dear Mr. Bates:

This is in response to your email dated October 14, 2020, requesting environmental review for the 2020 revision of the City of Brandenburg's Wastewater Facilities Plan. The review area is located north of Buttermilk Falls Road approximately 1.2 miles west of the intersection of Buttermilk Falls Road and Ronnie Greenwell Commerce Road in Brandenburg, Meade County, Kentucky (Latitude: 38.003544°N; Longitude: 86.147806°W).

The U.S. Army Corps of Engineers (USACE) exercises regulatory authority under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act, 1972 (33 USC 1344) for certain activities in "waters of the United States (U.S.)." These waters include all waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce. "Waters of the U.S." include hydrologically connected lakes, rivers, and stream channels exhibiting an Ordinary High Water Mark (OHWM); wetlands; sloughs; and wet meadows and wetlands adjacent to "waters of the U.S."

Based on the information you provided in the above-referenced request, it appears a Department of the Army (DA) Permit may be required. If the project would necessitate the discharge of dredged or fill material into any "waters of the U.S." including wetlands, then you should submit a DA permit application for review by this office. We will need a completed DA permit application along with additional details regarding the project's design, scope, construction methods, purpose and a delineation of all "waters of the U.S.," including the coordinates and locations of each "water" within the proposed project area and all impacts to waters (linear feet, width and acreage).

You are reminded that all drawings must be submitted on 8½ x 11-inch paper and be of reproducible quality, and if possible, please also submit the information in electronic format via CD (please note we cannot accept thumb drives).

Our comments on this project are limited to only those effects which may fall within our area of jurisdiction and thus does not obviate the need to obtain other permits from State or local agencies.

Further information on the Regulatory Program, including the DA Permit application, can be obtained from our website at <http://www.lrl.usace.army.mil/Missions/Regulatory.aspx>. Please allow sufficient time in your preconstruction schedule for the processing of a DA permit

application.

Your request has been assigned ID No. LRL-2017-928-sea. Please reference this number on all correspondence pertaining to this project. Please contact us by writing to the District Regulatory Office at the above address, ATTN: CELRL-RDS, or contact me directly at (502) 315-6711 or Sarah.E.Atherton@usace.army.mil.

Sincerely,



Date: 2020.10.30

12:54:14 -04'00'

Sarah Atherton
Project Manager, South Branch
Regulatory Division



**TOURISM, ARTS AND HERITAGE CABINET
KENTUCKY DEPARTMENT OF FISH & WILDLIFE RESOURCES**

Andy Beshear
Governor

#1 Sportsman's Lane
Frankfort, Kentucky 40601
Phone (502) 564-3400
Fax (502) 564-0506

Mike Berry
Secretary

October 14, 2020

GRW Inc.
Attn: Robert Bates
9710 Bunsen Parkway
Louisville, KY 40299

RE: Cross-Cutter Correspondence
Wastewater Facilities Plan
Planning Period 2017-2037
City of Brandenburg, Kentucky
GRW Project No. 4556

Dear Mr. Bates:

The Kentucky Department of Fish and Wildlife Resources (KDFWR) has received your request for information regarding the subject project. Due to the location and nature of the project, KDFWR does not believe the project will impact any federal or state-listed threatened/endangered species or any associated critical habitat. No critical areas, wildlife preserves, or other significant ecological areas will be impacted by the proposed project.

To minimize indirect impacts to the aquatic environment, the KDFWR recommends that erosion control measures be developed and implemented prior to construction to reduce siltation into waterways located within the project area. Such erosion control measures may include, but are not limited to silt fences, staked straw bales, brush barriers, sediment basins, and diversion ditches. Erosion control measures will need to be installed prior to construction and should be inspected and repaired regularly as needed.

I hope this information is helpful to you, if you have questions or require additional information, please call me at 502-892-4472.

Sincerely,

Doug Dawson

Doug Dawson
Environmental Section Chief





United States Department of the Interior

FISH AND WILDLIFE SERVICE

Kentucky Ecological Services Field Office
330 West Broadway, Suite 265
Frankfort, Kentucky 40601
(502) 695-0468

November 12, 2020

Mr. Robert Bates
GRW
9710 Bunsen Parkway
Louisville, KY 40299

Subject: FWS 2017-B-0915; GRW City of Brandenburg Wastewater Facility Update; Meade County, Kentucky

Dear Mr. Bates:

The U.S. Fish and Wildlife Service's Kentucky Field Office (KFO) has reviewed the request for site-specific environmental review received on October 9, 2020 along with additional information submitted on November 6, 2020. The KFO offers the following comments in accordance with the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

GRW proposes updates to the existing City of Brandenburg Wastewater Treatment Facility due to expansion of industry in the area and changes to wastewater treatment methodology. The project will only require the removal of scrub brush habitat and a few scattered trees that are less than 4-inch diameter at breast height.

The KFO believes that proposed project will result in no significant adverse impacts to federally listed species or their habitat. If the proposed action is subsequently modified or new information indicates that the proposed action may affect listed species or their habitat in a manner not previously considered, additional coordination with our office may be necessary.

We appreciate the opportunity to review the proposed project. If you have any questions, please contact Carrie Allison of my staff at 502-695-0468, extension 46103.

Sincerely,

JENNIFER
GARLAND

for Virgil Lee Andrews, Jr.
Field Supervisor

Digitally signed by JENNIFER
GARLAND
Date: 2020.11.12 09:18:39 -05'00'



ANDY BESHEAR
GOVERNOR

TOURISM, ARTS AND HERITAGE CABINET
KENTUCKY HERITAGE COUNCIL
THE STATE HISTORIC PRESERVATION OFFICE
410 HIGH STREET
FRANKFORT, KENTUCKY 40601
(502) 564-7005
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MICHAEL E. BERRY
SECRETARY

JACQUELINE COLEMAN
LT. GOVERNOR

CRAIG A. POTTS
EXECUTIVE DIRECTOR &
STATE HISTORIC
PRESERVATION OFFICER

November 6, 2020

Mr. Nicholas Gunselman
GRW Engineers
9710 Bunsen Parkway
Louisville, KY 40299

Re: Brandenburg Wastewater Treatment Plant, Meade County, Kentucky

Dear Mr. Gunselman:

Thank you for email and attached documentation concerning the above-mentioned project, received October 8, 2020. We understand that the City of Brandenburg proposes to construct a new wastewater treatment plant adjacent to its existing facility. When we initially commented on the proposed project in (March 15, 2018), we recommended that the proposed project had the potential to affect archaeological site 15Md331. Because of subsequent archaeological evaluation of the site, we were able to recommend that site 15Md331 was not eligible for the National Register of Historic Places (email Chris Gunn to Jason Halligan, May 1, 2020).

In consideration of these findings, we would recommend that the proposed new wastewater treatment plant should result in **No Effect to Historic Properties**. If the project plans change, please contact our office for additional consultation on project effects.

In the event of the unanticipated discovery of an archaeological site or object of antiquity, the discovery should be reported to the Kentucky Heritage Council and to the Kentucky Office of State Archaeology in the Anthropology Department at the University of Kentucky in accordance with KRS 164.730. In the event that human remains are encountered during project activities, all work should be immediately stopped in the area and the area cordoned off, and in accordance with KRS 72.020 the county coroner and local law enforcement must be contacted immediately. Upon confirmation that the human remains are not of forensic interest, the unanticipated discovery must be reported to the Kentucky Heritage Council.

Should you have any questions concerning archaeological resources, feel free to contact Chris Gunn of my staff at (502) 892-3615 or chris.gunn@ky.gov.

Sincerely,

Craig A. Potts,
Executive Director and
State Historic Preservation Officer

CP:cmg KHC # 50933, 59875



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Bates, Robert

From: Phillips, Eric - NRCS, Elizabethtown, KY <eric.phillips@usda.gov>
Sent: Tuesday, October 27, 2020 11:49 AM
To: Bates, Robert; Hulsey, Robert - NRCS, Elizabethtown, KY
Cc: Pavoni, Joe; Gunselman, Nick
Subject: RE: Brandenburg Kentucky Wastewater Facility Plan Update

Mr. Bates,

After review of the drawings and plans provided to this office, it would appear that the current plans as drafted are still within the easement boundaries of the wastewater treatment plant.

It is my opinion that the following statement made by Steve Jacobs, retired NRCS Soil Scientist in an earlier correspondence would still hold true.

"The project, according the information in your request, is within existing easements, along road right of ways, to existing structures, or on lands that have been previously disturbed or developed within the boundaries of the existing treatment plant in Brandenburg, KY."

If other modifications or changes are needed as this project continues on, feel free to contact our office for additional support as needed.

Thank You,
Eric Phillips
Civil Engineer
USDA-NRCS
Elizabethtown, KY
270-765-2273 x3

From: Bates, Robert <RBates@grwinc.com>
Sent: Tuesday, October 6, 2020 2:28 PM
To: Hulsey, Robert - NRCS, Elizabethtown, KY <robert.hulsey@usda.gov>; Phillips, Eric - NRCS, Elizabethtown, KY <eric.phillips@usda.gov>
Cc: Pavoni, Joe <JPavoni@grwinc.com>; Gunselman, Nick <NGunselman@grwinc.com>
Subject: Brandenburg Kentucky Wastewater Facility Plan Update

Mr. Phillips,

Thank you for your time this afternoon. To confirm our conversation, GRW is updating the City of Brandenburg's Wastewater Treatment Plant Facility Plan. GRW completed an updated in 2017. However, an expansion of industry in the area and changes to the selected wastewater treatment methodology necessitate an update in 2020.

The attached pdf contains the original inquiry from GRW in 2017, the USDA response from Steve Jacobs, **Exhibit 6-3.1** which identified the 2017 plant upgrades, GRW drawing **OD-1** which details the 2020 wastewater treatment plant design, and the soil survey included in the 2017 plan with the plant location identified. As you see, the new facility location is immediately adjacent to the 2017 upgrade.

Please affirm that the 2020 Facility Plan location presents no concerns for the USDA-NRCS.

Please do not hesitate to call or email if you have questions or require clarification.

Respectfully,

Robert Bates

GRW | engineering | architecture | geospatial

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